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Compilation on Cambodia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. In 2015, the Human Rights Committee encouraged Cambodia to accede to the Optional Protocol to the International Covenant on Civil and Political Rights, on individual communications.[3]

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Cambodia accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[4]

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that a recommendation was made during the previous cycle of the universal periodic review of Cambodia on the ratification of the Convention against Discrimination in Education. It stressed that such a ratification would provide Cambodia with a supportive legal environment for all efforts made towards achieving Goal 4 of the Sustainable Development Goals.[5]

III. National human rights framework[6]

5. The Committee on the Rights of the Child recommended that Cambodia amend its Criminal Code with provisions that explicitly criminalized the recruitment and use of children under the age of 18 years in the Royal Armed Forces, in non-State armed groups and private security services or companies, as well as a definition of direct participation in hostilities.[7]

6. The same Committee was concerned about the delay in establishing an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights, to regularly monitor progress in the fulfilment of children's rights under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to receive and address complaints from children.[8]

7. The Secretary-General noted that the legal and institutional framework in Cambodia had undergone some notable changes during the period under review. New laws coming into force contained provisions that could potentially restrict the freedoms of expression, association and assembly, particularly the Law on Associations and Non-Governmental Organizations, the long-awaited Trade Union Law and the Telecommunications Law.[9]

8. The Special Rapporteur on the situation of human rights in Cambodia recommended to repeal provisions of the Criminal Code that could be used to restrict the freedoms of expression, assembly and association in order to achieve greater compatibility with international human rights standards, decriminalizing offences such as defamation.[10]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[11]

9. The Human Rights Committee was concerned about reports of discriminatory and violent acts perpetrated against ethnic Vietnamese persons and recommended that Cambodia strengthen its efforts to combat racist attacks against such persons and consider developing a national action plan against racial discrimination.[12]

10. The Human Rights Committee was concerned that article 950 of the Civil Code provided that a woman should not remarry until 120 days had elapsed from the day of the dissolution or annulment of her previous marriage. It was also concerned about a directive issued by the Ministry of Foreign Affairs restricting the right to marriage between foreign men and Cambodian women on the basis of the men's age and income. It therefore recommended that Cambodia repeal provisions that discriminated on the basis of sex, age and income regarding marriage.[13]

11. The same Committee was also concerned about reports of discrimination against lesbian, gay, bisexual and transgender persons, in particular in employment and health-care settings. It noted with concern the lack of legislation expressly prohibiting discrimination on the grounds of sexual orientation or gender identity.[14]

2. Development, the environment, and business and human rights[15]

12. The United Nations country team stressed that Cambodia had experienced significant deforestation and forest degradation in recent years, the main causes of which included conversion to commercial agriculture, mining, economic and social land concessions, legal and illegal settlements and farmland, large-scale infrastructure and hydropower development, road construction, legal and illegal logging, fuelwood harvesting and forest fires.[16]

13. The Special Rapporteur on the situation of human rights in Cambodia highlighted issues with resettlement and compensation packages offered to persons and communities displaced by land concessions, including the adequacy of compensation and the appropriateness of relocation sites. She stressed that more needed to be done to ensure that compensation packages were fully understood by potential recipients and that all land disputes were resolved through a process free from threats, violence and intimidation.[17]

14. The United Nations country team indicated that business enterprises continued to have an important role in promoting the economic growth of Cambodia, which could affect the enjoyment of human rights, such as land and housing rights, rights in the workplace and gender equality, among other rights. That highlighted the Government's role to protect human rights.[18]

B. Civil and political rights

1. Right to life, liberty and security of person

15. The Human Rights Committee was concerned about reports of several deaths, many injuries and one enforced disappearance following repression by the security forces during various demonstrations in Phnom Penh. It recommended that Cambodia increase its efforts to systematically provide training to all security forces, including municipal security guards, on the use of force, especially in the context of demonstrations, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[19]

16. The same Committee was also concerned about reports of torture and ill-treatment of detainees by law enforcement personnel, especially in the context of police custody and for the purpose of obtaining confessions. It recommended that Cambodia establish an independent complaints mechanism with the authority to investigate all reported allegations of and complaints about acts of torture and ill-treatment. It was recommended that Cambodia should ensure that the alleged perpetrators of those crimes were prosecuted and that the victims were adequately compensated. It stressed that Cambodia should take the steps necessary to ensure that confessions obtained under torture or ill-treatment were inadmissible in court in all cases, in accordance with its national legislation and article 14 of the Covenant.[20]

2. Administration of justice, including impunity, and the rule of law[21]

17. The Human Rights Committee was concerned about reports that no one had been held accountable for the extrajudicial killings, allegedly mainly perpetrated by the army, police and gendarmerie, in Cambodia since the 1991 Paris Peace Agreements. It recalled that Cambodia had an obligation to investigate all cases of past human rights violations, prosecute the perpetrators and, where appropriate, punish them and provide compensation to the families of the victims.[22]

18. The same Committee was also concerned about reports that high-ranking officials of Cambodia had repeatedly made statements that interfered with the functioning and independence of the Extraordinary Chambers in the Courts of Cambodia, and that the statements indicated the reluctance of Cambodia to prosecute additional suspects of crimes perpetrated during the Khmer Rouge regime. The Committee recommended that Cambodia should take steps to protect the full independence of the Extraordinary Chambers and cooperate with it in the fulfilment of its functions.[23]

19. The Secretary-General stated that a number of judicial actions taken against the opposition and civil society organizations reflected structural deficiencies in the law enforcement and judicial institutions that had long been highlighted by human rights mechanisms, including the independence of the judiciary, lack of procedural guarantees resulting in overreliance on pretrial detention, weak evidentiary bases for convictions, and impunity. A growing number of "Facebook cases" were being tracked in which postings on social media were being used as evidence of the commission of crimes.[24]

20. In view of the dramatic increase in prison overcrowding (due in part to the anti-drug campaign), the Special Rapporteur urged the Government to reconsider its plans to increase the use of non-custodial sentencing in those situations in which it was deemed appropriate. The Special Rapporteur also encouraged the Government to promote the use of the pretrial detention form to ensure appropriate reflection by judges on whether such detention was appropriate.[25]

3. Fundamental freedoms and the right to participate in public and political life[26]

21. The Human Rights Committee was concerned about reports of killings of journalists, human rights defenders and other civil society actors. It was also concerned about reports of harassment and intimidation of journalists, human rights defenders, trade union workers, land and environmental activists and other civil society actors, and members of the political opposition, who continued to be prosecuted for their activities, in particular through the criminalization of defamation and other vaguely formulated offences.[27]

22. UNESCO urged the Government to investigate the cases of murdered journalists, and to voluntarily report to it on the status of judicial follow-up.[28]

23. The Special Rapporteur noted with concern that, on 3 September 2017, Kem Sokha, leader of the Cambodia National Rescue Party, was arrested on grounds of seeking to overthrow the Government in a foreign-backed so-called colour revolution. Those were based on comments that he made in Australia in 2013 about his grass-roots political strategy to challenge the current Government. Despite the passage of time, as the comments were still available online, this was deemed in flagrante delicto, and in accordance with internal rules of procedure, the National Assembly allowed the case to proceed without the need to lift his parliamentary immunity. Mr. Kem Sokha was subsequently charged with conspiracy with a foreign power in "fomenting hostilities or acts of aggression against Cambodia". He remained in pretrial detention as of August 2018, with restricted visitors.[29] The Special Rapporteur was refused permission to meet with him in March 2018.[30]

24. The Special Rapporteur stated that Mr. Kem Sokha had been subsequently released under judicial supervision in September 2018 with conditions essentially amounting to house arrest. The charges against him remained.[31]

25. The Working Group on Arbitrary Detention concluded that Mr. Kem Sokha's deprivation of liberty was arbitrary as it resulted from the exercise of his rights to freedom of opinion and expression, and the right to take part in the government of his country and the conduct of public affairs. The Working Group was also of the view that Mr. Kem Sokha's arrest and detention was politically motivated. The source presented ample evidence, which was not contested by the Government, of the arrest, detention, prosecution and conviction of political opponents in what appeared to be an escalating trend in Cambodia of suppression of criticism of the Government ahead of the National Assembly election in July 2018. The Working Group noted that Mr. Kem Sokha's prosecution was taking place against a background of the dissolution of his party, the Cambodia National Rescue Party, and of amendments to laws that placed restrictions on political parties and allowed for their dissolution in a broader range of circumstances.[32]

26. The Special Rapporteur stated that national elections, until the 2018 elections, had been steadily improving in terms of compliance with international human rights standards and Cambodian laws. She noted with concern that the 2018 elections represented a departure from previous trends due to the dissolution of the former main opposition party and the banning of senior members of the former opposition from political activity for five years. She stressed that that called into question the genuineness of those elections, as stipulated in article 25 of the International Covenant on Civil and Political Rights. The redistribution of seats from the former opposition to other parties, particularly at the commune level, raised very serious concerns about respect for the right to take part in the conduct of public affairs through freely chosen representatives as it had effectively disenfranchised a significant proportion of citizens, including in the Senate.[33]

27. The Special Rapporteur also expressed concern about the use of law (on associations and non-governmental organizations, on the election of members of the National Assembly, on trade unions and on peaceful demonstrations) to restrict debate and the targeting of media, political opponents, civil society organizations and individuals, including through a wide range of criminal charges, had shrunk the democratic space and stymied serious political debate, essential factors for the enjoyment of the right to take part in the conduct of public affairs.[34]

28. The Special Rapporteur strongly encouraged the expansion of democratic space so that civil society organizations, human rights defenders and political activists, including

members of the former Cambodia National Rescue Party, could actively and openly participate in inclusive political debate. She called for the unconditional release of Mr. Kem Sokha; the lifting of the ban on the 118 former senior members of the Cambodia National Rescue Party; the alignment of laws and regulations, such as the Law on Associations and Non-Governmental Organizations, the Law on Political Parties and the lese-majesty provision, with international standards; reform of the National Election Committee to ensure and maintain its independence from politics; and the lifting of restrictive measures on the activities of civil society organizations, such as the circular of 2 October 2017 requiring prior notification for activities of civil society organizations.[35]

29. The Special Rapporteur recommended that utmost priority should be given to building a culture in which criticism, within reasonable bounds, was not only permitted but accepted and encouraged as indispensable to maintaining peace and development in the short and long term; in which the separation of powers between organs of Government and the separation of State and the ruling party was respected and cherished; and in which the possibility of a peaceful change of Government from one party to another through genuine elections was accepted as the norm rather than resisted.[36]

30. While dealing with a case involving the arrest and detention of five Cambodian nationals who were current and former members of the Cambodian Human Rights and Development Association, the Working Group on Arbitrary Detention considered that the targeting of the Association's members for having provided legitimate legal advice and other assistance to a woman — who was herself the potential victim of abuse of authority — violated the right to freedom of association under article 22 of the International Covenant on Civil and Political Rights.[37]

4. Prohibition of all forms of slavery[38]

31. The Human Rights Committee recommended that Cambodia intensify and better coordinate its efforts to combat trafficking in persons and should also consider establishing a central, authoritative agency responsible for combating human trafficking, by systematically and vigorously investigating and prosecuting perpetrators. In addition, the State party should guarantee adequate protection, reparation and compensation to victims, including rehabilitation.[39]

32. The Committee on the Rights of the Child urged the State party to revise the Law on the Suppression of Human Trafficking and Sexual Exploitation, and to bring it into full compliance with articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, by properly defining and criminalizing all forms of the sale of children and child pornography.[40]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[41]

33. The United Nations country team noted that, in 2017, the Government had introduced improved social protection for workers and a lump-sum payment scheme for pregnant workers and had raised the minimum wage for workers in the textile and footwear industries by 11 per cent in 2018. It also noted that the Government had suspended the drafting of a controversial bill on labour dispute resolution. Despite all those efforts, the living conditions of people working in factories, particularly women, were still poor and net salaries low. Sexual harassment at the workplace continued to be a serious problem, which undermined women's rights and women's participation in the economy.[42]

2. Right to social security[43]

34. The United Nations country team noted that the Government had adopted the National Policy Framework for Social Protection 2016–2025, a long-term road map focusing on social assistance and social security. The Framework aimed to harmonize, concentrate and strengthen existing schemes or programmes in order to increase the effectiveness, transparency and consistency of the social protection system. In addition, it

sought to expand the coverage of the social safety network to all citizens. However, gaps existed between policies and their implementation, which manifested themselves in limited access to social protection schemes by vulnerable groups. The United Nations country team encouraged the Government, in furtherance of the Framework, to ensure institutional capacity and to allocate sufficient resources for its implementation.[44]

3. Right to an adequate standard of living[45]

35. The Secretary-General stated that housing and land disputes continued to be the root cause of most protests and human rights violations in the country, such as infringements of the rights to freedom of expression, association, peaceful assembly and movement, and violations of economic, social and cultural rights, including of indigenous peoples.[46]

36. The United Nations country team indicated that, in 2016, Cambodia had graduated to the status of lower middle-income country. Economic growth had continued at high levels of almost 7 per cent and poverty had continued to decline, although almost a third of the population was still living near the poverty line and risked slipping back into poverty. The benefits of development were not enjoyed equally across all sectors of society and profound challenges remained, including persistent income inequality, an urban/rural divide and vulnerabilities to minor shocks.[47]

37. Given the dramatic economic development and progress in Cambodia, the Special Rapporteur on the situation of human rights in Cambodia noted that it was now timely to focus on securing the Sustainable Development Goals and developing action plans with concrete targets to ensure that all Cambodians could equally share the benefits of that development.[48]

4. Right to health[49]

38. The United Nations country team stressed that the development efforts of Cambodia were reflected in some important health outcomes, such as the significant decline in child mortality rates and the early achievement of the related Millennium Development Goals. Cambodia was one of the 10 fast-track countries in the Partnership for Maternal, Newborn and Child Health. Its HIV response over the past two decades had been highly successful and had resulted in the decline of HIV prevalence in the adult general population aged between 15 and 49 to 0.6 per cent in 2016. However, health outcomes varied according to socioeconomic status and location. For example, children in the poorest quintile had three times greater risk of death before turning 5 than those in the richest quintile.[50]

39. The United Nations country team encouraged the Government (a) to expand the social health protection and prepayment mechanisms and increase national funding for health, in order to alleviate the health burden on households and the high out-of-pocket expenditure on health care and achieve the progressive realization of the right to health and Goal 3 of the Sustainable Development Goals; (b) to increase national financial investment, including in collaboration with the private sector, in innovative, people-centred, evidence-based sustainable interventions for HIV prevention, treatment, care and support programmes so as to reach the national goal of ending AIDS as a public health threat by 2025; (c) to implement the recommendations from the 2015 National Conference on People in Street Situations with support from the United Nations country team.[51]

5. Right to education[52]

40. UNESCO stated that Cambodia should be encouraged to ensure universal, compulsory and free basic education by taking effective targeted inclusive measures for vulnerable groups, such as persons with disabilities and child labourers, and progressively realize 12 years of free education.[53]

41. The United Nations country team indicated that the Ministry of Education, Youth and Sport had worked to secure near universal primary enrolments. However, secondary education drop-out rates were high. Gender disparities still existed at the secondary level, often as a result of food insecurity and poverty, and were very high at the tertiary level. In recent sectoral trends analysis, it was apparent that more girls than boys completed primary, lower and upper secondary school; and for tertiary education, while there appeared to be

gender parity in the pursuit of associate and bachelor degrees, there were far fewer females pursuing advanced degrees. For example, only 22 per cent of students enrolled on master degree programmes in 2016/17 were female. Girls from HIV-affected households were more likely to have missed school compared with girls from non-affected households.[54]

42. The United Nations country team encouraged the Government to make stronger efforts to address school drop-out rates, to assist boys to complete primary, lower and upper secondary education and to improve the access of young women to secondary and tertiary education, including through analysing the root causes of such limited access, such as the quality of education, the cost of education for families, job prospects and the level of vocational training available.[55]

D. Rights of specific persons or groups

1. Women[56]

43. The Special Rapporteur on the situation of human rights in Cambodia noted with concern that violence against women and gender-based violence continued to be a problem. She stressed that there was no evidence of greater use being made of legal provisions. She was particularly concerned that many victims of violence chose to engage in informal mediation and return to live with the alleged perpetrator.[57]

44. The Human Rights Committee, while noting the efforts of Cambodia to combat violence against women at the legislative and policy levels, was concerned about the low number of prosecutions and convictions for gender-based violence. It noted with regret the lack of information provided by Cambodia regarding reparations granted to victims of crimes of sexual violence committed during the Khmer Rouge regime, and the lack of information on the evaluation of the results of the National Action Plan to Prevent Violence against Women. It recommended that Cambodia ensure that cases of domestic and sexual violence were thoroughly investigated, perpetrators were prosecuted and victims were adequately compensated. The country should also provide mandatory training on the prosecution of cases of gender-based violence for law enforcement and judicial officers and facilitate victims' access to justice.[58]

45. The United Nations country team noted with concern that the Law on the Prevention of Domestic Violence and the Protection of Victims had resulted in a limited number of protection orders for victims and a lack of prosecutions. A lack of gender sensitivity among law enforcement and judicial personnel when dealing with victims of sexual assaults and crimes had resulted in a culture of silence and very few cases reached the courts.[59]

46. The United Nations country team noted that gender stereotyping, particularly within the family, but also in schools, communities, workplaces and the media, remained common in Cambodia. The tradition in the Chbab Srey, the code that outlined ways in which girls and women should behave, restricted women in the equal exercise of their rights, limited choices and influenced decisions. Despite some improvements in women's participation in the civil service, politics and decision-making over the past two decades, women continued to be largely underrepresented.[60]

2. Children[61]

47. The Committee on the Rights of the Child was concerned about reports that children in uniforms might have been present during the conflict along the Cambodian-Thai border. It urged Cambodia to ensure that no children wearing uniforms were present along the Cambodian-Thai border and to provide those who may have been involved in armed conflict with appropriate assistance for their physical and psychological recovery and their social reintegration.[62] While taking note of the information provided by the delegation regarding the status of the draft juvenile justice law, the Human Rights Committee was concerned about the absence of a juvenile justice system and the fact that children were often subject to the same procedures as adults. It was also concerned about the failure to ensure that minors were detained separately from adults. It recommended that Cambodia

take measures to establish a comprehensive juvenile justice system in order to ensure that juveniles were treated in a manner commensurate with their age.[63]

48. The same Committee expressed its concern about (a) reports of continued sexual exploitation of children in the context of travel and tourism in various areas of the State party, especially in rural areas; (b) the so-called orphanage tourism, which seemed to be a growing phenomenon in which children in institutions and orphanages were being exposed to sexual exploitation by foreigners, such as tourists and volunteer workers. It urged Cambodia to pursue its efforts to prevent child sex tourism and orphanage tourism and to protect children from becoming victims by strengthening its regulatory framework and awareness-raising measures, including in rural areas, and to take all necessary measures to ensure that all cases of child sex tourism and orphanage tourism were investigated and that alleged perpetrators were prosecuted and duly sanctioned.[64]

49. The United Nations country team expressed concern that 19 per cent of Cambodian children aged between 5 and 17 were economically active and that progress had been limited in attaining indicators and targets on child labour.[65]

50. UNESCO stated that the magnitude of child labour in the country needed to be addressed and Cambodia should be encouraged to adopt special and positive measures facilitating their reinsertion into the education system.[66]

51. The Special Rapporteur on the situation of human rights in Cambodia remained concerned that security forces and families were taking juveniles to drop-in and rehabilitation centres, and to residential care institutions. While that could be a consequence of the anti-drug campaign, there were worrying reports that children with serious disabilities were being detained in those facilities, although they had no history of drug or substance dependency. This situation emphasized the need for comprehensive social and child protection systems in Cambodia and appropriately trained social workers in all communes. However, it also raised issues of comprehensive support for children with disabilities and their families.[67]

52. While acknowledging progress with the rolling out of the multilingual education plan of action, the Special Rapporteur expressed concern about the situation of children from indigenous and ethnic minority groups, including children of Vietnamese descent, who still suffered disadvantages, including in relation to the availability, accessibility, acceptability and adaptability of education. She was also concerned that children had been denied access to school due to the lack of legal documents of their ethnic Vietnamese parents or the revocation of those documents under subdecree 129. Concerning education and health, it was also clear that children with disabilities did not receive equal access to goods, services or facilities. For example, physical access to buildings remained a problem as did the availability of information in sign language and Braille.[68]

3. Persons with disabilities[69]

53. While noting the positive measures put in place by the Government to protect the rights of persons with disabilities, the Special Rapporteur expressed concern that the lack of centralized data on persons with disabilities and the lack of documentation certifying that they were persons with disabilities often hampered their access to specific services, particularly those related to health. She was also concerned about reports of discrimination at schools, health centres and private banks that reinforced the need to continue building awareness among the population on the rights of persons with disabilities. She stressed that access to justice also remained a challenge for persons with disabilities, whether victims or alleged offenders.[70]

54. The United Nations country team was also concerned that there was very little professional support available in the country for those with psychosocial or intellectual disabilities. It encouraged the Government to develop a methodology for collecting data on the number of persons with disabilities in Cambodia, the types of disabilities they had, the services they needed and the main obstacles they faced in accessing their rights and participating freely in society.[71]

55. While noting the reference to the "right to enrolment in public and private educational establishments" and to the promotion of inclusive education by the State in the Law on the Protection and Promotion of the Rights of Persons with Disabilities, UNESCO was concerned about specific provisions, such as the establishment of special classes for persons with disabilities. It also stressed that assessing the extent of disability in the population and its impact on educational disadvantage was essential. It recommended that the Government be encouraged to collect information on people with disabilities and provide adequate measures to ensure their right to education.[72]

4. Minorities and indigenous peoples

56. The Special Rapporteur on the situation of human rights in Cambodia noted with concern that in Stung Treng Province, the Lower Sesan II hydroelectric project had resulted in the Bunong indigenous people losing their homes and much of their spiritual forest and burial grounds to the reservoir's water, leaving them at risk of losing their livelihoods. In Preah Vihear Province, the Kui indigenous people had some of their farmland and spiritual forest cleared by sugar cane companies.[73] The Special Rapporteur recommended that the Government consider simplifying the communal land titling process to reduce the number of steps required and that it allocate additional funding for the development of indigenous communities.[74]

57. While acknowledging the existing legal framework, the Human Rights Committee expressed concern that indigenous peoples were not sufficiently consulted in the decision-making process with respect to issues affecting their rights, including management of their communal lands and the allocation of the land for extractive industries and agribusiness. It was concerned that concessions on the land they claim continue to be granted for private use. The Committee also noted with concern reports that indigenous peoples who did engage with the Government to protect their rights faced significant practical obstacles. It recommended that Cambodia establish an effective consultation mechanism and ensure meaningful consultation with indigenous peoples in decision-making in all areas having an impact on their rights.[75]

58. The United Nations country team encouraged the Government (a) to speed up the process of registration of all Vietnamese and Khmer Krom in Cambodia, in particular children, and ensure their access to economic and social rights; (b) to collect data on indigenous, ethnic and religious minorities, including in the upcoming census, respecting the principles of disaggregation, self-identification, transparency, privacy, participation and accountability; and (c) to roll out the new National Action Plan for Multilingual Education and ensure sufficient funding.[76]

5. Migrants, refugees, asylum seekers and internally displaced persons

59. In the context of meeting international labour standards and Goal 8 of the Sustainable Development Goals, the United Nations country team encouraged the Government to increase protection mechanisms for Cambodian migrants abroad, including domestic workers, and closely monitor labour agencies recruiting and deploying Cambodian migrant workers abroad.[77]

60. UNHCR expressed concern that the national elections planned for July 2018 had prompted heightened political tensions and increased human rights abuses in Cambodia. It stressed that, in particular, ethnic Vietnamese in the country had become a point of political divide, leading to raids on Vietnamese communities (comprised of both migrants and refugees) and withdrawal of citizenship documents for an unknown number of ethnic Vietnamese. Consequently, those individuals had to restart the naturalization process regardless of the number of years of residence in Cambodia.[78]

61. While noting the measures taken by the Government to strengthen birth registration, UNHCR expressed concern that existing law and practice restricted the issuance of birth registration to Khmers. It was also concerned that national legislation did not clearly define who belonged to that category, and that the issuance of birth certificates for Khmers was further hindered by requirements such as registration in a family book and the possession of an address (residential). It noted that the documentation issued by authorities was

designated as "Khmer birth certificates", which might pose problems for persons who did not self-identify as Khmer.[79]

6. Stateless persons

62. The Human Rights Committee was concerned about the situation of Khmer Krom and ethnic Vietnamese people who had been residing in Cambodia for generations and who had been left stateless or lacked Cambodian identity documents. It was also concerned about the insufficient safeguards to ensure that children born in Cambodia who would otherwise be stateless acquired Cambodian nationality and had access to identity documents. It recommended that Cambodia take all measures necessary to ensure the full enjoyment of Covenant rights by all residents, including stateless persons. It also recommended that Cambodia facilitate access to identification documentation and guarantee the right of stateless children who were born in the territory of Cambodia to stateless parents to acquire a nationality.[80]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Cambodia will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx.
[2] For relevant recommendations, see A/HRC/26/16, paras. 118.1–118.12, 119.1–119.15 and 119.13–119.19.
[3] CCPR/C/KHM/CO/2, para. 5.
[4] UNHCR submission for the universal periodic review of Cambodia, p. 3.
[5] UNESCO submission for the universal periodic review of Cambodia, para. 10.
[6] For relevant recommendations, see A/HRC/26/16, paras. 118.13–118.38, 118.80 and 119.6–119.12.
[7] CRC/C/OPAC/KHM/CO/1, paras. 16–17.
[8] Ibid., paras. 8–9.
[9] A/HRC/33/39, para. 3.
[10] A/HRC/39/73, paras. 13 and 93.
[11] For relevant recommendations, see A/HRC/26/16, paras. 118.49–118.58.
[12] CCPR/C/KHM/CO/2, para. 8.
[13] Ibid., para. 23.
[14] Ibid., para. 9.
[15] For relevant recommendations, see A/HRC/26/16, paras. 118.127–118.136 and 119.30–119.33.
[16] United Nations country team submission for the universal periodic review of Cambodia, para. 37.
[17] A/HRC/36/61, para. 52.
[18] United Nations country team submission, para. 34.
[19] CCPR/C/KHM/CO/2, para. 12.
[20] Ibid., para. 13.
[21] For relevant recommendations, see A/HRC/26/16, paras. 118.60–118.61, 118.79–118.99, 119.20–119.22 and 119.28.
[22] CCPR/C/KHM/CO/2, para. 11.
[23] Ibid., para. 19.
[24] A/HRC/33/39, para. 6.
[25] A/HRC/39/73, para. 13.
[26] For relevant recommendations, see A/HRC/26/16, paras. 118.101–118.124, 119.23–119.27 and 119.29.
[27] CCPR/C/KHM/CO/2, para. 21.
[28] UNESCO submission, para. 25.
[29] A/HRC/39/73/Add.1, para. 18.
[30] A/HRC/39/73, para. 69.
[31] See statement by the Special Rapporteur at the thirty-ninth session of the Human Rights Council. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23639&LangID=E.
[32] A/HRC/WGAD/2018/9, paras. 47 and 57.
[33] A/HRC/39/73/Add.1, para. 87.
[34] Ibid., para. 88.
[35] Ibid., para. 89.
[36] Ibid., para. 90.
[37] A/HRC/WGAD/2016/45, paras. 43 and 46.
[38] For the relevant recommendation, see A/HRC/26/16, paras. 118.75–118.78.

[39] CCPR/C/KHM/CO/2, para. 18.
[40] CRC/C/OPSC/KHM/CO/1, para. 21.
[41] For relevant recommendations, see A/HRC/26/16, paras. 118.124–118.128.
[42] United Nations country team submission, para. 34.
[43] For relevant recommendations, see A/HRC/26/16, paras. 118.137–118.146.
[44] United Nations country team submission, paras. 54–55.
[45] For relevant recommendations, see A/HRC/26/16, paras. 118.128 and 118.138–118.145.
[46] A/HRC/30/30, para. 4.
[47] United Nations country team submission, para. 31.
[48] A/HRC/39/73, para. 91.
[49] For relevant recommendation, see A/HRC/26/16, paras. 118.147–118.160.
[50] United Nations country team submission, para. 43.
[51] Ibid., para. 49.
[52] For relevant recommendations, see A/HRC/26/16, paras. 118.153, 118.158–118.168 and 119.34.
[53] UNESCO, p. 6.
[54] United Nations country team submission, para. 51.
[55] Ibid., para. 53.
[56] For relevant recommendations, see A/HRC/26/16, paras. 118.62–118.65.
[57] A/HRC/36/61, para. 38.
[58] CCPR/C/KHM/CO/2, para. 10.
[59] United Nations country team submission, para. 61.
[60] Ibid., paras. 62–63.
[61] For relevant recommendations, see A/HRC/26/16, paras. 118.59, 118.62–118.74 and 118.77–118.78.
[62] CRC/C/OPAC/KHM/CO/1, paras. 20–21.
[63] CCPR/C/KHM/CO/2, para. 15.
[64] CRC/C/OPSC/KHM/CO/1, paras. 18–19.
[65] United Nations country team submission, para. 58.
[66] UNESCO submission, para. 18.
[67] A/HRC/39/73, para. 28.
[68] Ibid., para. 18.
[69] For relevant recommendations, see A/HRC/26/16, paras. 118.169–118.171.
[70] A/HRC/39/73, para. 48.
[71] United Nations country team submission, paras. 72–74.
[72] UNESCO submission, paras. 12 and 17.
[73] A/HRC/39/73, para. 32.
[74] A/HRC/36/61, para. 28.
[75] CCPR/C/KHM/CO/2, para. 28.
[76] United Nations country team submission, para. 71.
[77] Ibid., para. 77.
[78] UNHCR submission, p. 2.
[79] Ibid., p. 3.
[80] CCPR/C/KHM/CO/2, para. 27.